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| 10/074,487 | 02/13/2002 | Joel L. Singer | | 7330 |

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| EXAMINER |
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BORISSOV, IGOR N

| ART UNIT | PAPER NUMBER |
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3639

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/074,487 | Applicant(s) SINGER, JOEL L. | |
| | Examiner Igor Borissov | Art Unit 3639 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

Amendment received on 2/7/2005 is acknowledged and entered. Claim 17 has been cancelled. Claims 1-3, 18 and 19 have been amended. New claims 20-25 have been added. Claims 1-16 and 18-25 are currently pending in the application.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 16-24 have been renumbered 17-25.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lallo (US 2002/0010613) in view of Official Notice.

Lallo teaches a method and system for organization and provision of automobile repair and preventive maintenance, comprising:

Claim 1.

User input means for inputting into the system information related to customer's vehicles (distinct entities) [0030];

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a database containing information related to desired maintenance for said vehicle (distinct entities) [0028];

means for creating a maintenance schedule for the customer's vehicle [0028];

means for providing maintenance reminders (an automatic reminder system) to track customer service follow-up [0028].

Lallo does not specifically teach that said information related to customer's vehicle includes information related to a plurality of customer's vehicles.

Official notice is taken that it is old and well known to own a plurality of cars by one person.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo to include that said information related to customer's vehicle includes information related to a plurality of customer's vehicles, because it would allow to provide a maintenance service for all cars own by the customer.

Claim 20. Said system including:

the database containing information related to customer's vehicles (distinct entities) [0030];

a database containing information related to desired maintenance for said vehicle (distinct entities) [0028];

a computer which is capable of retrieving said scheduled maintenance information from said database for each vehicle [0028].

As per the term "list", the examiner understands it as "a total number to be considered or included" (See: Merriam-Webster's Collegiate ® Dictionary, 1997, P. 680).

Claim 21. Said system including automated reminder means which is capable of generating dates (periodic feature) to track customer service follow-up [0028].

Claim 2. Means for providing on-line notification of the customer (via email) to schedule an inspection of the automobile [0034].

Claim 3. Means for providing at maintenance homepage links to additional web sites having addresses of facilities conducting repair and maintenance services [0023].

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Claim 4. Means for providing at maintenance homepage links to additional web sites having addresses of facilities conducting repair and maintenance services [0023].

Claim 22. Lallo teaches said system for organization and provision of automobile repair and preventive maintenance, comprising:

User input means for inputting into the system information related to customer's vehicles (distinct entities) [0030];

a database containing information related to desired maintenance for said vehicle (distinct entities) [0028];

means for creating a maintenance schedule for the customer's vehicle [0028];

means for providing maintenance reminders (an automatic reminder system) to track customer service follow-up [0028].

Lallo does not specifically teach that said information related to customer's vehicle includes information related to a plurality of customer's vehicles.

Official notice is taken that it is old and well known to own a plurality of cars by one person.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo to include that said information related to customer's vehicle includes information related to a plurality of customer's vehicles, because it would allow to provide a maintenance service for all cars own by the customer.

Claim 23. Lallo teaches said method for organization and provision of automobile repair and preventive maintenance, comprising:

inputting into the system information related to a customer's vehicle [0030];

storing in the database information related to a customer's vehicle [0030];

providing an automatic reminder system designed to maintain customer service follow-up for scheduled maintenance [0028];

providing to the customer the maintenance reminders [0028].

Lallo does not specifically teach that said information related to customer's vehicle includes information related to a plurality of customer's vehicles.

Official notice is taken that it is old and well known to own a plurality of cars by one person.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo to include that said information related to customer's vehicle includes information related to a plurality of customer's vehicles, because it would allow to provide a maintenance service for all cars own by the customer.

Claim 24. Said system including automated reminder means which is capable of generating specific dates and maintenance reminders [0028].

Claims 5, 10-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lallo in view of Official Notice and further in view of Piety et al. (US 2001/0001851).

Claim 5. Lallo in view of Official Notice teach all the limitation of Claim 5, except specifically teaching that said user input means included means for selecting an object from the displayed list of objects.

Piety teaches a method and system for predictive maintenance of machines, comprising a knowledge database for various component types including data for preventive maintenance for each component type [0012]; [0013]; and further comprising means for selecting an object from the displayed list of known objects (Figs. 13-16; [0108]-[0110]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo in view of Official Notice to include means for selecting an object from the displayed list of objects, as disclosed in Piety, because it would advantageously simplify the selection step for the customer, thereby improve customer service.

Claim 10. Lallo teaches a method and system for organization and provision of automobile repair and preventive maintenance, comprising:

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creating a database of scheduled maintenance of a plurality of automobiles (objects), said database including information regarding a maintenance schedule for the vehicles [0028];

inputting into the system information related to a customer's vehicle [0030];

providing an automatic reminder system designed to track customer service follow-up [0028].

Lallo does not specifically teach that said information related to customer's vehicle includes information related to a plurality of customer's vehicles. Lallo, also, does not specifically teach *comparing information related to the customer's object with the database of scheduled maintenance of a plurality of objects, and retrieving the scheduled maintenance information from said database of scheduled maintenance of a plurality of objects*.

Official notice is taken that it is old and well known to own a plurality of cars by one person.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo to include that said information related to customer's vehicle includes information related to a plurality of customer's vehicles, because it would allow to provide a maintenance service for all cars own by the customer.

Piety teaches a method and system for predictive maintenance of machines, comprising: building a knowledge database for various component types including data for preventive maintenance for each component type [0012]; [0013]; providing a user input identifying a selected component type corresponding to the particular component to be monitored [0013]; and constructing database information for predictive maintenance for said particular component using an inference engine operating on said knowledge database and said selected component type [0013].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo in view of Official Notice to include *comparing information related to the customer's object with the database of scheduled maintenance of a plurality of objects, and retrieving the scheduled maintenance*

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information from said database of scheduled maintenance of a plurality of objects, as disclosed in Piety, because it would advantageously allow to use said system for a plurality of different types of objects, thereby increase revenue.

Claim 11. Lallo teaches providing on-line notification of the customer (via email) to schedule an inspection of the automobile [0034].

Claim 12. Lallo teaches providing at maintenance homepage links to additional web sites having addresses of facilities conducting repair and maintenance services [0023].

Claim 13. Lallo teaches providing at maintenance homepage links to additional web sites having addresses of facilities conducting repair and maintenance services [0023].

Claim 14. Piety teaches selecting an object from the displayed list of known objects (Figs. 13-16; [0108]-[0110]). The motivation to combine Lallo in view of Official Notice with Piety would be to advantageously simplify the selection step for the customer, thereby improve customer service.

Claim 19. Lallo teaches said method and system for organization and provision of automobile repair and preventive maintenance, comprising:

a database containing information related to desired maintenance for the vehicle (distinct entities) [0028];

user input means for inputting into the system information related to customer's vehicles (distinct entities) [0030];

a computer which is capable of retrieving said scheduled maintenance information from said database for each vehicle [0028].

means for creating a maintenance schedule for the customer's vehicle [0028];

means for providing maintenance reminders for specific dates (periodic feature) to track customer service follow-up [0028].

Lallo does not specifically teach that said information related to customer's vehicle includes information related to a plurality of customer's vehicles.

Lallo, also, does not specifically teach *means for comparing information related to the customer's object with the database of scheduled maintenance of a plurality of*

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objects, and a graphical user interface for displaying said plurality of distinct objects and for permitting a user to generate a list containing the objects for which the user would like to receive maintenance reminders.

Official notice is taken that it is old and well known to own a plurality of cars by one person.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo to include that said information related to customer's vehicle includes information related to a plurality of customer's vehicles, because it would allow to provide a maintenance service for all cars own by the customer.

Piety teaches a method and system for predictive maintenance of machines, comprising: means for building a knowledge database for various component types including data for preventive maintenance for each component type [0012]; [0013]; a graphical user interface for displaying said plurality of distinct objects and for permitting a user to generate a list containing the objects for which the user would like to receive maintenance (Figs. 13-16; [0013]; [0108]-[0110]); and means for constructing database information for predictive maintenance for said particular component using an inference engine operating on said knowledge database and said selected component type [0013].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo to include *means for comparing information related to the customer's object with the database of scheduled maintenance of a plurality of objects, and a graphical user interface for displaying said plurality of distinct objects and for permitting a user to generate a list containing the objects for which the user would like to receive maintenance*, as disclosed in Piety, because it would allow to use said system for a plurality of different types of objects, thereby increase revenue.

As per the term "list", the examiner understand it as "a total number to be considered or included" (See: Merriam-Webster's Collegiate ® Dictionary, 1997, P. 680).

Claims 6-9, 15, 16, 25 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lallo in view of Official Notice further in view of Piety and further in view of Baker et al. (US 6,732,191 B1).

Claim 6. Lallo in view of Official Notice and further in view of Piety teach all the limitations of Claim 6, except specifically teaching means for transmitting *maintenance reminders instructions for performing maintenance*.

Baker et al. (Baker) teaches a control system and method for accessing an input/output device over a communication network, comprising a website, wherein trouble shooting instructions, maintenance logs, repair diagnostic information and quality control parameters reside within a web site for access by a user (C. 4, L. 40-43), thereby indicating providing means for transmitting said trouble shooting instructions to said user.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo in view of Official Notice and further in view of Piety to include means for transmitting *maintenance reminders instructions for performing maintenance*, as disclosed in Baker, because it would advantageously allow to employ less qualified personal not familiar with the maintenance procedure, thereby save funds.

Claims 7. Lallo teaches means for providing (transmitting) the automatic reminders for tracking customer service follow-up [0028]. Lallo does not explicitly teach that means for transmitting the automatic reminders for tracking customer service follow-up includes means for transmitting *the purpose for performing said maintenance*. However, Lallo teaches that an advantage (purpose) for performing maintenance on a vehicle is encouraging the consumer to properly maintain the enrolled vehicle in accordance with manufacturer's specifications, which will lead to an improvement in the safety of the operation of the vehicle, and an increase in the useful life expectancy of the enrolled vehicle [0017]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo in view of Official Notice further in view of Piety and further in view of Baker to include means for transmitting *the purpose for performing said maintenance*, because it would educate

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said customers about advantages of conducting regular maintenance, thereby stimulate customers to conduct said maintenance on a regular basis.

Claim 8. Lallo teaches means for generating dates for maintenance and providing automatic reminder system for tracking customer service follow-up [0028].

Claim 9. Lallo teaches means for storing an identification for each customer; and means for storing an identification for each customer's object (vehicle) [0030]; thereby indicating means for associating each user and the corresponding stored object.

Claim 15. Baker teaches a control system and method for accessing an input/output device over a communication network, comprising a website, wherein trouble shooting instructions, maintenance logs, repair diagnostic information and quality control parameters reside within a web site for access by a user (C. 4, L. 40-43). Accessing said trouble-shooting instructions remotely by a user obviously indicates transmitting said trouble-shooting instructions to said user. The motivation to combine Lallo in view of Official Notice and further in view of Piety with Baker would be to employ for performing said maintenance less qualified personal not familiar with the maintenance procedure, thereby save funds.

Claim 16. Lallo teaches providing (transmitting) the automatic reminders for tracking customer service follow-up [0028]. Lallo does not explicitly teach that transmitting the automatic reminders for tracking customer service follow-up includes *transmitting the purpose for performing said maintenance*. However, Lallo teaches that an advantage (purpose) for performing maintenance on a vehicle is encouraging the consumer to properly maintain the enrolled vehicle in accordance with manufacturer's specifications, which will lead to an improvement in the safety of the operation of the vehicle, and an increase in the useful life expectancy of the enrolled vehicle [0017]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lallo in view of Official Notice further in view of Piety and further in view of Baker to include means for transmitting *the purpose for performing said maintenance*, because it would educate said customers about advantages of conducting regular maintenance, thereby stimulate customers to conduct said maintenance on a regular basis.

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Claim 25. Lallo teaches generating a specific maintenance schedule for the customer's vehicle [0028]; and generating maintenance reminders to track customer service follow-up [0028].

Claim 18. Lallo teaches storing an identification for each customer; and storing an identification for each customer's object (vehicle) [0030]; thereby indicating providing an association between each user and the corresponding stored object.

Response to Arguments

Applicant's arguments filed on 2/7/2005 have been fully considered but they are not persuasive.

In response to the applicant's argument that Lallo does not teach means for building a schedule of maintenance reminders for each entity, it is noted that Lallo explicitly teach this feature. Specifically, Lallo teaches said system including the capability for determining and generating a date (or dates) and an automatic reminder system designed to encourage and track customer service follow-up with prospective subscribers into the program of managed automobile repair and maintenance [0028].

In response to applicant's argument that there is no suggestion to combine Lallo with Piety, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Lallo and Piety relate to providing preventive maintenance to machines. The motivation to combine Lallo with Piety would be allow to provide said preventive maintenance for machines of various types, thereby increase revenue.

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In response to the applicant's argument that Baker does not teach means for transmitting instructions for performing maintenance, it is noted that Baker teaches a method and system for controlling machines (industrial systems) over the Internet, wherein trouble shooting instructions, maintenance logs, repair diagnostic information and quality control parameters reside within a web site for access by a user (C. 4, L. 40-43), thereby indicating providing means for transmitting said trouble shooting instructions to said user. As well known, the term *maintenance* means "the upkeep of property or equipment" (See: Merriam-Webster's Collegiate ® Dictionary, 1997, P. 702). In its broadest sense the examiner understands "upkeeping" as not only conducting scheduled servicing routines, but providing all necessary efforts (including locating and repairing developed problems) to maintain the equipment in working order.

In response to applicant's argument that there is no suggestion to combine Lallo and Piety with Baker, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lallo, Piety and Baker relate to providing preventive maintenance to machines. The motivation to combine Lallo and Piety with Baker to provide maintenance instructions would be to advantageously employ less qualified personal not familiar with the maintenance procedure, thereby save funds.

In response to applicant's argument that the prior art does not teach a specific schedule period for maintenance, it is noted that Lallo explicitly teaches determining and generating a date (or dates) and an automatic reminder system designed to encourage and track customer service follow-up with prospective subscribers into the program of managed automobile repair and maintenance [0028].

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (571) 272-6801.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (571) 272-6812.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231


or faxed to:

(703) 872-9306

[Official communications; including After Final communications labeled "Box AF"]

IB

5/15/2005


THOMAS A. DIXON
PRIMARY EXAMINER